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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,059

11/17/2003

Dale W. Conkel

LEDS.00117

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08/25/2006

GARDERE/EDS

GARDERE WYNNE SEWELL INTELLECTUAL PROPERTY

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DALLAS, TX 75201-4761

EXAMINER

ROBINSON, GRETA LEE

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/715,059	CONKEL, DALE W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Greta L. Robinson	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-18 are pending in the present application.

#### ***Drawings***

2. The drawings are objected to because descriptive textual labels are needed for reference characters 102, 104, 106, 108, 110, 112, 120, 122, and 124 in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **3. INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

#### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

#### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

***Specification***

4. The disclosure is objected to because of the following informalities: on page 14 at lines 13-16 the disclosure makes reference to abbreviations DNS 432 , NTDS 434 , KCC 436 and FSMO check 438 but fails to disclose the meaning of the terms.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-18 appear to be geared to an abstract idea and do not present a concrete tangible result. For example, independent claim 1 recites "a method for monitoring a directory service ... scanning event logs ... responsive to a determination that an error is indicated ... consulting a knowledge base to determine if an entry is contained ... responsive to a determination that an entry for the error is contained within the knowledge base, determining corrective actions ... and determining whether the corrective actions are authorized ... responsive to a determination that the corrective actions are authorized, committing the corrective actions". However the claim does not recite steps taken "if an error is not indicated by one of the event logs" and actions to be taken "if the corrective actions are not authorized"; therefore the claim does not present a tangible result. Independent claims 7 and 13 contain similar limitations and are therefore

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rejected under similar grounds. Claims 2-6, 8-12, and 14-18 are rejected based on dependency.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 6, 12 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 6, 12 and 18 the limitation "preventing the component from functions properly" [note claim 6 lines 9-10; claim 12 lines 12-13; and claim 18 lines 12-13] does not appear to be described in the disclosure.

Note the disclosure appears to teach corrective actions necessary to correct the identified error step 412, also note Figure 4 step 412. Figure 4 does not appear to disclose a step of preventing proper functioning of a component.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the following limitation *lacks proper antecedent basis*:

“responsive to a determination that an error is indicated by one of the event logs” [note claim 1 lines 1-11]. Note a “check for an error” must first occur before a “responsive to a determination” step can occur. Claims 2-6 are rejected based on dependency.

Regarding claims 7 and 13, the following limitation *lacks proper antecedent basis*: “the error” [note claim 7 line 9; and claim 13 line 8]. The limitations of claim 8-12 and 14-18 are rejected based on dependency.

11. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a condition step or if/then procedure when an indication that an error is not indicated and a procedure or steps to be taken if authorization is not granted.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 3, 7, 9, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachse et al. US Patent 6,985,901 B1 in view of Ganesh et al. US Patent 6,961,865 B1.

Regarding claims 1, 7, and 13 **Sachse et al.** teaches “monitoring a directory service” [note: Figure 3 step (300) MONITORING A NETWORK FOR AN EVENT; col. 2 lines 10-33 The present invention provides for controlling the collection, manipulation and storage of network performance data and network event data of a network with service assurance capabilities].

Sachse et al. provides for “scanning event logs for components and applications utilized by a directory service within a distributed data processing system” [note: Data Collection section at col. 13 line 26 through col. 14 line 14 a signal is transmitted in operation 502 to initiate the retrieving of network performance data and network event data generated from at least one network monitor ... controller program].

Sachse et al. does not explicitly disclose “determine if an entry for an error is contained within the knowledge base”. However they do teach extracting data from a source system with an application program [Figure 11 (1100)] and configuring or setting triggering conditions based on monitoring [Figure 10]. **Ganesh et al.** teaches executing atomic transaction for performing a first operation of a first set of operations and in response to detecting a first error, a second set of operations are performed to resolve the first error. It is then determined whether a resolution of the first error is obtained in response to performing the second set of operations [note: abstract; Figure 2; col. 1 line 1-62; col. 2 lines 30-51; col. 6 lines 20 through col. 7 line 67 Errors can be



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detected in several ways]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Ganesh et al. with Sachse et al. because the recursive process taught by Ganesh et al. would allow transactions to be resumed after resolving an error indication.

Regarding claims 3, 9, and 15 "determining corrective actions comprises consulting a table containing identified errors and associated corrective actions" [note: Ganesh et al. Figure 2 step (232) trigger operations to resolve error, and step (234) error resolved; also note trigger condition defined at time of software configuration col. 9 line 35-41; col. 10 lines 55-66].

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee US Patent 5,870,762

Warner et al. US Patent 5,404,502

Bohannon et al. US Patent 6,449,623 B1

Honma et al. US Patent Application Publication No. 2004/0073677 A1

Hill et al. US Patent 5,293,556

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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PRIMARY EXAMINER

Greta Robinson  
Primary Examiner  
August 19, 2006